

**SB 46 A STAFF MEASURE SUMMARY****Carrier:** Sen. Olsen**Senate Committee On Environment and Natural Resources****Action Date:** 04/08/19**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 5-0-0-0**Yeas:** 5 - Bentz, Dembrow, Olsen, Prozanski, Roblan**Fiscal:** Has minimal fiscal impact**Revenue:** Has minimal revenue impact**Prepared By:** Beth Patrino, LPRO Analyst**Meeting Dates:** 1/24, 4/8**WHAT THE MEASURE DOES:**

Establishes that exclusion certificate is required for a surface mining operation that, within a 12-month period, results in the extraction of between 500 and 5,000 cubic yards of minerals. Specifies that mining conducted under a certificate may expand the affected area by not more than one acre of land within any 12-month period unless the total surface disturbance exceeds five acres. Specifies that surface mining does not include excavation or grading operations that are necessary for on-site construction activities that: (1) do not require a local government land use decision or are expressly authorized under state law, and (2) do not result in any excavated materials being sold into the commercial aggregate market. Increases maximum certificate renewal fee to \$165.

**ISSUES DISCUSSED:**

- Purpose of exclusion certificate
- Current exclusion certificate requirements apply to very small activities; no lower limit
- What is included/excluded in definition of "surface mining" related to excavation and grading activities

**EFFECT OF AMENDMENT:**

Establishes that exclusion certificate is required for a surface mining operation that, within a 12-month period, results in the extraction of between 500 and 5,000 cubic yards of minerals. Specifies that mining conducted under a certificate may expand the affected area by not more than one acre of land within any 12-month period unless the total surface disturbance exceeds five acres. Specifies that surface mining does not include excavation or grading operations that are necessary for on-site construction activities that: (1) do not require a local government land use decision or are expressly authorized under state law, and (2) do not result in any excavated materials being sold into the commercial aggregate market.

**BACKGROUND:**

The Department of Geology and Mineral Industries' (DOGAMI) Mined Land Reclamation Program is the lead program for upland and underground mining regulation in Oregon. State law requires a valid operating permit issued by DOGAMI for any surface mining that exceeds one acre of disturbance in any 12-month period, 5,000 cubic yards of excavation in any 12-month period, or when total disturbance exceeds five acres unless the activity is exempt under ORS 517.770.

In 2015, the Oregon legislature established an exclusion certificate program for small-scale mining operations. Operators must pay a one-time application fee, an annual renewal fee, and submit an annual report. Current law requires an exclusion certificate for any mining activity that removes less than 5,000 cubic yards of material and affects less than one acre of land within a 12-month period.

Senate Bill 46-A would require an exclusion certificate for a surface mining operation that, within a 12-month period, results in the extraction of between 500 and 5,000 cubic yards of mineral. Senate Bill 46-A would also exclude specified excavation and grading operations from the definition of surface mining and therefor from the

*This summary has not been adopted or officially endorsed by action of the committee.*

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requirement to obtain an operating permit.